

1 JOHN C. HERMAN
2 RYAN K. WALSH (*Pro Hac Vice*)
3 ROBBINS GELLER RUDMAN
4 & DOWD LLP
5 3424 Peachtree Road, N.E.
6 Monarch Centre, Suite 1650
7 Atlanta, Georgia 30326
8 Telephone: 404-504-6500
9 Facsimile: 404-504-6501
10 jherman@rgrdlaw.com
11 rwalsh@rgrdlaw.com

12 Attorneys for Plaintiff

13 UNITED STATES DISTRICT COURT
14
15 NORTHERN DISTRICT OF CALIFORNIA
16
17 SAN FRANCISCO DIVISION

18 NORTHPEAK WIRELESS, LLC,) Case No. 3:09-cv-00602-CRB
19)
20 Plaintiff,)
21)
22 vs.)
23)
24 3COM CORPORATION, et al.,)
25)
26 Defendants.)
27)
28)

JOINT STATUS REPORT

1 NOW COME Plaintiff NorthPeak Wireless, LLC, Defendants, and Intervenor Intel
2 Corporation and, pursuant to the terms of the parties' Stipulation to Stay the Case Pending
3 Reexamination of the Patents-in-Suit, hereby provide the Court with the following status update.

4 **I. STATUS OF THE CASE**

5 Pursuant to the Court's Order dated August 28, 2009, this case has been stayed pending ex
6 parte reexamination of the patents at issue.

7 **II. STATUS OF THE REEXAMINATION PROCEEDINGS**

8 **U.S. Patent No. 4,977,577 (the "577 Patent")**

9 Intel originally filed an ex parte reexamination request for the '577 Patent on July 28, 2009,
10 and filed a corrected request on September 18, 2009. On November 9, 2009, the U.S. Patent and
11 Trademark Office (the "PTO") granted the request for reexamination. The PTO issued an Office
12 Action regarding '577 Patent, and NorthPeak filed a Response.

13 On June 28, 2011, the Patent Office issued a Reexamination Certificate, which confirms the
14 patentability of all claims under reexamination (claims 2, 9, 12-14). A copy of the Reexamination
15 Certificate is attached hereto as Exhibit A.

16 **U.S. Patent No. 5,987,058 (the "058 Patent")**

17 Intel filed an ex parte reexamination request for the '058 Patent on September 4, 2009. On
18 October 23, 2009, the PTO granted the request for reexamination. The PTO issued an Office Action
19 regarding the '058 Patent, and NorthPeak filed a Response.

20 The Examiner found claims 35 and 86 of the '058 Patent unpatentable. On August 22, 2011,
21 NorthPeak filed a Notice of Appeal and Appeal Brief before the Board of Patent Appeals and
22 Interferences, appealing the Examiner's decision regarding the reexamination of the '058 patent. On
23 or about March 21, 2013, the Board of Appeals affirmed the Examiner's decision.

24 On May 17, 2013, NorthPeak filed a Notice of Appeal of that decision with the United States
25 Court of Appeals for the Federal Circuit. NorthPeak has not yet filed its opening brief on appeal.

1 DATED: September 3, 2013

ROBBINS GELLER RUDMAN
& DOWD LLP

3
4 /s/

RYAN K. WALSH

5 JOHN C. HERMAN
6 RYAN K. WALSH (*Pro Hac Vice*)
7 Monarch Centre, Suite 1650
8 3424 Peachtree Road, N.E.
9 Atlanta, GA 30326
Tel: 404/504-6500
Fax: 404/504-6501
jherman@rgrdlaw.com
rwalsh@rgrdlaw.com

10
11 Attorneys for Plaintiff

12 DATED: September 3, 2013

13
14 By: /s/

15 Richard de Bodo (CA SBN 128199)
16 Andrew V. Devkar (CA SBN 228809)
17 BINGHAM MCCUTCHEN LLP
18 The Water Garden
19 Suite 2050 North
20 1601 Cloverfield Boulevard
21 Santa Monica, CA 90404-4082
22 Tel: 310-907-1000
23 Fax: 310-907-2000

24
25 Attorneys for Epson America, Inc.

1 DATED: September 3, 2013

2 By: _____/s/

3 Richard C. Vasquez (CA SB 127228)
4 Jeffrey T. Lindgren (CA SB 176400)
5 Eric W. Benisek (CA SB 209520)
6 Robert S. McArthur (CA SB 204604)
7 Stephen C. Steinberg (CA SB 230656)
8 VASQUEZ BENISEK & LINDGREN LLP
9 3685 Mt. Diablo Blvd. Suite 300
10 Lafayette, CA 94549
11 Tel: 925-627-4250
12 Fax: 925-403-0900

Attorneys for SMC Networks, Inc.

13 DATED: September 3, 2013

14 By: _____/s/

15 Chad S. Campbell (#258723)
16 Timothy J. Franks (#197645)
17 PERKINS COIE LLP
18 2901 North Central Avenue, Suite 2000
19 Phoenix, Arizona 85012-2788

Attorneys for Intel Corporation

20 DATED: September 3, 2013

21 By: _____/s/

22 Justin T. Beck (Cal. Bar No. 53138)
23 Alfredo A. Bismonte (Cal. Bar No. 136154)
24 Jeremy M. Duggan (Cal. Bar No. 229854)
25 BECK, ROSS, BISMONTE & FINLEY, LLP
26 150 Almaden Boulevard
27 10th Floor
28 San Jose, CA 95113
Tel: 408-938-7900
Fax: 408-938-0790

Attorneys for ASUS Computer International

1 DATED: September 3, 2013

By: _____/s/

2
3 Ryan Yagura
Vision L. Winter
Nicholas J. Whilt
4 O'MELVENY & MYERS LLP
400 South Hope Street
5 Los Angeles, CA 90071-2899
Tel: 213-430-6000
6 Fax: 213-430-6407

7
8 Edgar Martinez
O'MELVENY & MYERS LLP
610 Newport Center Drive
9 Newport Beach, CA 92660-6429
Tel: 949-760-9600
10 Fax: 949-823-6994

11 **Attorneys for Belkin International, Inc.**

12 DATED: September 3, 2013

13 By: _____/s/

14
15 Karl J. Kramer
Christopher F. Jeu
MORRISON & FOERSTER LLP
16 755 Page Mill Road
Palo Alto, CA 94304

17 **Attorneys for Fujitsu America, Inc.**

18
19 DATED: September 3, 2013

20 By: _____/s/

21 David J. Levy
Rich Rambo
22 C. Erik Hawes
I. Clay Roger
23 MORGAN, LEWIS & BOCKIUS LLP
1000 Louisiana St., Suite 4000
24 Houston, TX 77002

25 **Attorneys for Hewlett-Packard Company and 3Com Corporation**
26
27
28

1 DATED: September 3, 2013

2 By: _____/s/

3
4 John N. Zarian
Dana M. Herberholz
PARSONS BEHLE & LATIMER
5 960 Broadway Avenue
Suite 250
6 Boise, Idaho 83706

7 **Attorneys for ViewSonic Corporation**

8
9 DATED: September 3, 2013

10 By: _____/s/

11 Christine Yang
Duncan Palmatier
12 LAW OFFICES OF S. J. CHRISTINE YANG
17220 Newhope Street,
13 Suite 101-102
Fountain Valley, CA 92708

14 **Attorneys for D-Link Systems, Inc. and Zyxel**
15 **Communications, Inc.**

16
17 DATED: September 3, 2013

18 By: _____/s/

19 Ryan R. Smith
Matthew A. Argenti
20 WILSON SONSINI GOODRICH & ROSATI
One Market Street
21 Spear Tower, Suite 3300
22 San Francisco, CA 94105

23 **Attorneys for NETGEAR, Inc.**

1 DATED: September 3, 2013

By: _____/s/_____

2
3 William B. Dyer III
Anita Blushan
4 Roger Dale Taylor
FINNEGAN, HENDERSON, FARABOW, GARRETT
5 & DUNNER, LLP
303 Peachtree Street, NE
6 Suite 3500
Atlanta, GA 30308
7

8 **Attorneys for Sony Electronics Inc., and Sony**
9 **Computer Entertainment America Inc.**

10 DATED: September 3, 2013

By: _____/s/_____

11
12 Thomas H. Zellerbach (SBN 154557)
ORRICK, HERRINGTON & SUTCLIFFE LLP
13 1000 Marsh Road
Menlo Park, CA 94025
14 Tel: 650-614-7400
Fax: 650-614-7401
15

16 **Attorneys for WatchGuard Technologies, Inc.**
17

18 DATED: September 3, 2013

By: _____/s/_____

20 Michael C. Ting
TechKnowledge Law Group LLP
21 1521 Diamond Street
San Francisco, CA 94131
22 Tel: 408-646-1131

23 **Attorneys for Acer America Corp. and Gateway Inc.**
24
25
26
27
28

1 DATED: September 3, 2013

By: _____/s/

2
3 David H. S. Commins (SBN 124205)
4 Kit L. Knudsen (SBN 154714)
5 COMMINS & KNUDSEN, P.C.
6 400 Montgomery Street, Suite 200
7 San Francisco, CA 94104
8 Tel: 415-391-6490
9 Fax: 415-391-6493

10
11 Russell W. Faegenburg
12 Andrew T. Zidel
13 LERNER, DAVID, LITTENBERG, KRUMHOLZ 7
14 MENTLIK, LLP
15 600 South Avenue West
16 Westfield, NJ 07090
17 Tel: 908-654-5000
18 Fax: 908-654-7866

Attorneys for Buffalo Technology (USA), Inc.

13 DATED: September 3, 2013

By: _____/s/

15 David S. Bloch
16 David Enzminger
17 WINSTON & STRAWN LLP
18 101 California Street
19 San Francisco, CA 94111-5894

Attorneys for U.S. Robotics Corporation

20 DATED: September 3, 2013

By: _____/s/

22 John J. Feldhaus
23 Pavan Agarwal
24 FOLEY & LARDNER LLP
25 3000 K Street, N.W., Suite 500
26 Washington, D.C. 20007

**Attorneys for Toshiba America Information
Systems, Inc.**

1 DATED: September 3, 2013

2 By: _____/s/

3 Sean P. DeBruine (SBN 168071)
4 Steven D. Hemminger (SBN 110665)
5 ALSTON & BIRD LLP
6 275 Middlefield Road
7 Suite 150
8 Menlo Park, CA 94025-4008
9 Tel: 650-838-2000
10 Fax: 650-838-2001
11 sean.debruine@alston.com
12 steve.hemminger@alston.com

13 Patrick J. Flinn (SBN 104423)
14 John D. Hayes (pro hac vice)
15 Byron R. Holz (pro hac vice)
16 ALSTON & BIRD, LLP
17 One Atlantic Center
18 1201 W. Peachtree Street
19 Atlanta, GA 30309
20 Tel: 404-881-7000
21 Fax: 404-881-7777
22 patrick.flinn@alston.com
23 john.hayes@alston.com
24 byron.holz@alston.com

25 **Attorneys for Dell, Inc. and SonicWALL**

26 DATED: September 3, 2013

27 By: _____/s/

28 Jen-Feng Lee
LT PACIFIC LAW GROUP
17800 Castleton Street, Suite 560
City of Industry, CA 91748
Tel: 626-810-7200
Fax: 626-810-7300

Attorneys for Trendnet Systems, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on September 3, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically send e-mail notification of such filing to all counsel who have entered an appearance in this action.

/s/

Ryan K. Walsh (*Pro Hac Vice*)
ROBBINS GELLER RUDMAN
& DOWD LLP
3424 Peachtree Street, N.E.
Suite 1650
Atlanta, GA 30326
(404) 504-6500 (Telephone)
(404) 504-6501 (Facsimile)
rwalsh@rgrdlaw.com

Attorney for Plaintiff Northpeak Wireless, LLC